

Stephen D. Finestone (125675)
Jennifer C. Hayes (197252)
Kimberly S. Fineman (184433)
Ryan A. Witthans (301432)
FINESTONE HAYES LLP
456 Montgomery Street, 20th Floor
San Francisco, California 94104
Tel. (415) 616-0466
Fax (415) 398-2820
jhayes@fhllawllp.com

Attorneys for Chapter 7 Trustee
Kyle Everett

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

BENJA INCORPORATED,

Debtor.

Case No. 20-30819-DM

Chapter 7

**REQUEST FOR ENTRY OF
ORDER BY DEFAULT
APPROVING TRUSTEE'S
MOTION TO APPROVE
COMPROMISE OF
CONTROVERSY (BUSEY BANK)**

The Trustee hereby files his Request for Entry of Order by Default in support of his Motion to Approve Compromise of Controversy with Busey Bank (the "Motion"), ECF 206, and in support thereof states as follows:

1. On March 13, 2024, the Trustee filed the Motion and the supporting Declaration of Kyle Everett. ECF 206, 206-1. Also on March 13, 2024, the Trustee filed the Notice and Opportunity for Hearing (the "Notice") relating to the Motion. ECF 207. The Notice was served on creditors in the Court's ECF service list on March 13, 2024, and on creditors listed on the Court's mailing matrix on March 14, 2024. ECF 208.

2. The Notice indicated that anyone wishing to object to the Motion was required to do so by filing and serving a written objection no later than 21 days from the date on which the

1 Notice was served. The last day for filing and serving objections was April 4, 2024. The Trustee
2 received no objections, and none were filed in the bankruptcy case.

3 3. This Request for Entry of Order by Default is supported by the concurrently filed
4 Declaration of Jennifer C. Hayes.

5 Based on the foregoing, the Trustee requests entry of an order approving the Motion
6 and providing as follows:

7 1. The Motion to Approve Compromise of Controversy with Busey Bank (the
8 “Motion”), ECF 206, is granted.

9 2. The Stipulation between the Trustee and Busey Bank, filed as ECF 204, is
10 approved.

11 3. Without further Court order, the Trustee is authorized to take those actions that
12 he deems appropriate to implement the relief requested in the Motion and ordered by the Court.

13 4. The Court’s order is effective upon entry, and the stay otherwise imposed by
14 Federal Rule of Civil Procedure 62(a) and/or Federal Rule of Bankruptcy Procedure 6004(h)
15 shall not apply.

16
17 Dated: April 5, 2024

FINESTONE HAYES LLP

18
19 /s/ Jennifer C. Hayes

Jennifer C. Hayes
Attorneys for Kyle Everett,
Chapter 7 Trustee